



Austin City Council MINUTES

MARCH 17, 1994 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting the presence of all of the Council.

MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of March 10, 1994 and Special Meetings of February 15, (12:30 p.m.), 16, (1:00 p.m.), 23, 1994 (1:30 p.m.) and March 10, 1994 (10:00 a.m.)

Approve with correction to the amount for Item 40 of March 10, 1994 on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

CITIZEN COMMUNICATIONS:

2. Mr. Jimmy A. Castro, to discuss 1994 Livestock Show and Rodeo.
3. Mr. Leonard Lyons, to discuss " Yes, but Will Rogers never met our Mayor!"
4. Ms. Karen Eadden, to discuss the need for a moratorium on development until details of the salamander listing can be finalized, and to discuss the formation of the Bergstrom Restoration Advisory Board.
5. Ms. Charlene Shillman, to discuss the Pryor Plan for the New Museum of Fine Arts, Austin, is more practical and will save the taxpayers money by \$11 million; we could utilize these tax dollars for the Brackenridge debt or a Charity; re-examine this plan; extravagance is not always viable.
6. Mr. Lance Winters, to request that Council investigate as to why the City's Public Information Officer has shut the municipal doors to Austin citizens to hold public news conferences on Channel 6.

ORDINANCES

7. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4(E) Speed Limits, for the installation of a 20 mph school zone on Rundell Place for students attending Zilker Elementary School. (Funding in the amount of \$500 is available in the 1993-94 Child Safety Fund of the Department of Public Works and Transportation)
Ordinance No. 940317-A

8. Authorize acceptance of \$87,841 in grant funds from the Federal Department of Veteran Affairs for training expenses associated with fire cadets eligible under the Service Members Occupational Conversion and Training Act (SMOCTA); and amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund by appropriating \$87,841 in grant funds for the Fire Department Special Revenue Fund. (The City will be reimbursed for up to \$10,000 for each cadet who is an eligible veteran as defined in the program guidelines.)
Ordinance No. 940317-B
9. Authorize acceptance of \$10,000 in grant funds from the Texas Forest Service; amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund by appropriating \$10,000 in grant funds for the Parks and Recreation Department Special Revenue Fund. (City's match is \$10,000. Funding in the amount of \$5,000 is available in the 1993-94 operating budget of Environmental Conservation Services Department; \$5,000 is available in the 1993-94 operating budget of Parks and Recreation Department.)
Ordinance No. 940317-C

Item 7-9 approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 vote.

10. Order a municipal election for May 7, 1994 for the purpose of electing the Mayor and three Council Members and submission of City Charter amendments to the voters. (Funding in the amount of \$179,680 for the May 7, 1994 election, and \$136,588 for the Run-off election on June 4, 1994 is available in the 1993-94 operating budget of the City Clerk's Office). [Recommended by Charter Review Committee]

Approved Ordinance No. 940317-D on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 vote.

RESOLUTIONS

11. Authorize the negotiation and execution of an Interlocal Agreement with the City of Round Rock setting out terms and conditions for procurement and financing of design phase engineering services for the Brushy Creek Regional Project. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility. The City of Round Rock will reimburse Austin 64% of the cost of the engineering services.) [Recommended by the Water and Wastewater Commission] (Related to Item 12)
12. Authorize negotiation and execution of a professional services agreement with HDR ENGINEERING, INC., Austin, Texas, for professional engineering and associated services for the Brushy Creek Regional Wastewater Treatment Plant Improvements project in the amount of \$825,000. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility; the City of Round Rock will reimburse the City of Austin 64% of the cost of the engineering services - this payment is based on Round Rock's reserved capacity in the proposed regional wastewater treatment plant.) Subconsultant participation: 15% MBE, 5% WBE. (Recommended by Water and Wastewater Commission) [Related to Item 11]

13. Approve execution of a contract with WAUKESHA-PEARCE INDUSTRIES, INC., Austin, Texas, for the purchase of two (2) backhoe mounted impact hammers used to assist in the installation and repair of underground water and wastewater lines, in an amount not to exceed \$49,522. (Funding is available in the 1993-94 operating budget of the Water and Wastewater Utility.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified. (Recommended by the Water and Wastewater Commission)
14. Approve the issuance of a Letter of Intent and a rebate in the amount of \$135,090 to the Jefferson at Walnut Creek Apartments, located at 12113 Metric Boulevard, for the installation of high efficiency heating and air conditioning equipment. (Funding in the amount of \$92,340 is available in the 1993-94 operating budget of the Conservation Rebates and Incentives Fund, \$42,750 is available in the 1993-94 operating budget of the Environmental and Conservation Services Fund.) [Reviewed by Resource Management Commission]
15. Approve the execution of a contract with WYLE LABORATORIES EMG, Austin, Texas, for the purchase of three (3) Digital Equipment Corporation (DEC) Alpha 300 Model 600 mini-computers used to run mapping and analytical functions for the Department of Planning and Development, in an amount not to exceed \$82,539. (Funding is available in the 1993-94 operating budget for the Department of Planning and Development.) Low bid of six (6) meeting specifications. No M/WBE Subcontracting opportunities were identified.
16. Approve execution of a twelve (12) month supply agreement with MAC HAIK FORD, INC., Houston, Texas, for the purchase of equipment repair parts for the City's fleet of heavy trucks manufactured by Ford Motor Company, in an amount not to exceed \$150,000, with options to extend agreement for two (2) additional twelve (12) month periods in amounts of \$150,000 per extension, for a total contract amount not to exceed \$450,000. (An estimated \$75,000 is available in the 1993-94 operating budget of the Fleet and Radio Fund; funding for the remaining \$75,000 of the contract period and the extension options will be contingent upon availability of funding in future budgets.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.

Item 11-16 approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 vote.

17. Approve Supplemental Amendment No. 1 with PARSONS BRINCKERHOFF CONSTRUCTION SERVICES, INC., Austin, Texas, for Phase II - Design Services, and Initial Phase III - Construction Management Services, as part of the Program Management Support Services Professional Services Agreement for the redevelopment of Bergstrom as Austin's new airport, in the amount of \$6,500,000 for a total contract amount of \$10,000,000. [Funding was included in the 1993-94 Capital Budget for the Aviation Department; the project is eligible for 75% reimbursement of eligible costs from the Federal Aviation Administration (FAA)]. DBE Subcontractor participation 20%; 12.5% MBE, 7.5% WBE.

Deleted from agenda

18. Approve the filing of eminent domain proceedings to acquire fee simple title to a parcel of land containing 0.78 acre tract of land out of the Thomas Anderson League in Austin, Travis County, Texas, owned by Lamar/McPhaul Joint Venture for the U.S. Highway 290/S.R. 71 Improvements Project. (Appraised value is \$1,000).
19. Approve execution of a twelve (12) month contract with AMERICAN EAGLE INSURANCE COMPANY THROUGH FALCON INSURANCE AGENCY, INC., Austin, Texas, to provide Airport Liability Insurance at Robert Mueller Airport, the Heliport at Brackenridge Hospital, and the Airfield Operation Area at the former Bergstrom AFB site, in an amount not to exceed \$94,127, with the option to extend for two (2) twelve (12) month periods, in an amount not to exceed \$94,127 per extension, for a total amount not to exceed \$282,381. (Funding is available in the 1993-94 operating budget of the Aviation Department.) Single bid. No M/WBE Subcontracting opportunities were identified.

Councilmember Goodman requested that Risk Management monitor the contract and bring annual report to Council.

ITEMS FROM COUNCIL

20. Approve a resolution directing the City Manager to provide the resources for the formation of the City of Austin Asian-American Employee Network. (Councilmembers Brigid Shea and Gus Garcia)
21. Direct the City Manager to review a proposal to amend the Noise Ordinance by adding a 30' distance requirement; Set a public hearing to amend Section 10-5-2 (Noise Ordinance) of the City Code by adding a 30' distance criteria to the current regulations set forth in Section 10-5-2(G). (Suggested date and time: March 24, 1994 at 5:30 p.m.) [Councilmembers Gus Garcia and Ronney Reynolds]
22. Set a public hearing on a proposed amendment to the Land Development Code, Sections 13-2-5, 13-2-221, 13-2-1, 13-2-273 and 13-2-235, defining the telecommunication towers, establishing a permitted and conditional use requirements for locations of such towers. (Suggested date and time: April 7, 1994 at 6:45 p.m.) [Mayor Bruce Todd and Councilmember Ronney Reynolds]

Item 18-22 approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 vote.

3:00 P.M. - ELECTRIC UTILITY (Items 23-46)

23. Electric Utility Commission Report - Jim Cash, Chair
Report presented by Jim Cash.
24. Resource Management Commission Report - Glenn Crow, Chair
No report
25. Monthly Management Report
Report presented by John Moore

26. Approve execution of a contract with TELESSCIENCES TRANSMISSION SYSTEM, Bloomington, Illinois, for the purchase of analog microwave radio equipment, which will add six (6) channels to the Electric Utility Department's existing microwave system, in the amount of \$84,400. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department). Sole source. No M/WBE Subcontracting opportunities were identified.
27. Approve execution of a contract with COMMERCIAL BODY CORPORATION, San Antonio, Texas, for the purchase of two (2) truck-mounted aerial tower devices with cab and chassis used to respond to street light outages, and construction and maintenance of electrical transmission and distribution lines, in an amount not to exceed \$276,574. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Low bid of four (4) meeting specifications. No M/WBE Subcontracting opportunities were identified.
28. Approve execution of a contract with HOBBS EQUIPMENT COMPANY, Norwalk, Connecticut, for the purchase of one (1) transformer insulator washer used to clean transmission and substation insulators, in an amount not to exceed \$46,962. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.
29. Approve execution of a contract with SAUBER MANUFACTURING COMPANY, Virgil, Illinois, for the purchase of two (2) cable reel trailers used to transport large reels of wire, including underground conductor material used in the installation of primary underground network and residential conductor, in an amount not to exceed \$47,778. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Single bid. No M/WBE Subcontracting opportunities were identified.
30. Approve execution of a contract with BRADEN MANUFACTURING CO., Tulsa, Oklahoma, for the repair and reinsulation of the Decker gas turbine unit #1 exhaust stacks, in an amount not to exceed \$60,534. (Funding is available in the 1993-94 operating budget for the Electric Utility Department.) Single bid. No M/WBE Subcontracting opportunities were identified.
31. Approve a general construction contract award to LAUREN CONSTRUCTORS, Irving, Texas, for General Construction/Installation of Continuous Emission Monitoring (CEM) Systems at Holly and Decker Power Plants in the amount of \$412,251 plus a 25% contingency of \$103,062, for a total amount of \$515,313. (Funding was included in the 1993-94 Capital Budget of the Electric Utility Department.) Low bid of two (2). 0% MBE, 23.77% WBE Subcontractor participation.
32. Approve the proposed substation site and transmission line routing and authorize the Electric Utility Department to proceed with the Garfield Substation and Transmission Line Project. (No fiscal impact). [Recommended by the Environmental Board and Planning Commission]

33. Approve the purchase from Robert C. Carr, of a 28.941 acre tract of land and easements covering 20.511 acres of land, located off Pearce Lane in Bastrop County, Texas, for the construction of the Garfield Electric Substation and Transmission Line Project, in the amount of \$161,500. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) (Recommended by the Environmental Board and Planning Commission)
34. Approve execution of a contract with THOMAS & BETTS/MEYER INDUSTRIES, Red Wing, Minnesota, for the purchase of transmission line structures used for the upgrading of existing transmission lines between the Hi-Cross Substation and the site of the proposed Garfield Substation, in the amount of \$808,175. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Low bid of two (2) meeting specifications. No M/WBE Subcontracting opportunities were identified.
35. Approve a Change Order #1 to WAGNER CONSTRUCTION COMPANY, San Antonio, Texas, for restoration of historic moonlight towers, Phase II, in the amount of \$138,431.10. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) 10.65% MBE, 1.44% WBE Subcontractor participation.
36. Approve a contract award to the SAFARI COMPANY, INC., Austin, Texas, for the renovation of the Relay Construction Service building, located at 300 West Avenue, for use as construction maintenance shops, and equipment storage for the Relay Construction and Communication Sections, in the amount of \$352,000. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Low bid of three (3). 31.25% MBE, 1.67% WBE Subcontractor participation.
37. Approve execution of a contract with GENERAL ELECTRIC COMPANY, San Antonio, Texas for the purchase of transmission line protective relay equipment, in the amount of \$170,746.12. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Sole source. No M/WBE Subcontracting opportunities were identified.
38. Approve execution of a contract with UEC EQUIPMENT COMPANY, Oklahoma City, Oklahoma, for the purchase of one (1) transformer caddy and trailer used to move and install pad-mounted transformers in areas where the use of larger equipment is not feasible, in an amount not to exceed \$53,105. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Single bid. No M/WBE Subcontracting opportunities were identified.
39. Approve execution of contracts with NIECE EQUIPMENT & SUPPLY, INC., Austin, Texas, for the purchase of one (1) 46,000 pound truck-mounted crane, in an amount not to exceed \$154,875 and CENTRAL TEXAS EQUIPMENT COMPANY, Austin, Texas, for the purchase of one (1) 30,000 pound truck-mounted crane, in an amount not to exceed \$129,850. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Low bid of four (4) meeting specifications. No M/WBE Subcontracting opportunities were identified.

40. Approve execution of a contract with INDUSTRIAL AIR SERVICES, INC., Austin, Texas, for the purchase and installation of gas turbine generator start-up air compressors at the Decker Power Plant, in the amount not to exceed \$48,000. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Low bid of three (3) meeting specifications. No M/WBE Subcontracting opportunities were identified.
41. Approve execution of a contract with WESTINGHOUSE ELECTRIC SUPPLY COMPANY, San Antonio, Texas, for the purchase of 27,000 transmission line insulators used to replace insulators on the 345kv transmission line from Holman to the South Texas Project, in the amount of \$311,950. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Low bid of six (6) meeting specifications. No M/WBE Subcontracting opportunities were identified.
42. Approve an amendment to the contract with PACE POWER CONSTRUCTORS, INC., Worcester, MA, for additional contract services for labor, supervision, equipment, materials and subcontractor services for routine and emergency maintenance at the City's electrical power generation stations, in an amount not to exceed \$204,298, for a total contract amount not to exceed \$1,702,480. (Funding is available in the 1993-94 operating budget for the Electric Utility Department.)
43. Approve execution of two (2) twelve (12) month supply agreements with TECHLINE, INC., Austin, Texas, in an amount not to exceed \$259,922 and WESTINGHOUSE ELECTRIC SUPPLY COMPANY, San Antonio, Texas, in an amount not to exceed \$45,446, for the purchase of luminaries and related supplies, with the option to extend for one (1) twelve (12) month period in the amount of \$259,922 and \$45,446 respectively, for a total amount not to exceed \$610,736. [Funding in the amount of \$305,368 is available in the 1993-94 operating budget for the Electric Utility Department; Funding for the final six (6) months of the original contract period and the extension options is contingent upon availability of funding in future budgets.] Low bid of five (5) meeting specifications. No M/WBE Subcontracting opportunities were identified.
44. Approve execution of contracts with COMMERCIAL BODY CORPORATION, San Antonio, Texas, in an amount not to exceed \$192,382, and HENDRIX GMC TRUCKS, INC., Austin, Texas, in an amount not to exceed \$78,758, for the purchase of truck-mounted service bodies for the Transmission and Distribution Division. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.
45. Approve amendment of a contract with Barakat & Chamberlin, Inc., Oakland, California, for professional energy resource consulting services to assist with the evaluation and scoring of proposals for power supply and demand-side resources to potentially replace the Holly Power Plant in an amount not to exceed \$58,554, for a total contract amount of \$92,847. (Funding is available in the 1993-94 operating budget for the Electric Utility Department.) No M/WBE Subcontracting opportunities were identified.

46. Approve a voluntary cooperative agreement with the Texas Natural Resource Conservation Commission (TNRCC) concerning air quality issues associated with the Holly Power Plant. (No fiscal impact.)

Item 26-46 approved on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 5-0 vote, Councilmember Reynolds out of the room.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

47. C14-94-0002 - AUSTIN CHIROPRACTIC CLINIC (M.A. Huneycutt), 3300 Manchaca Road. From LO to LO-MU. Planning Commission Recommendation: To Grant LO-MU-CO, Limited Office-Mixed Use-Conditional Overlay, with the provisions of the overlay limiting residential density in the MU district to only one unit, and subject to dedication of up to forty-five feet (45') of right-of-way from the existing centerline of Manchaca Road, subject to compliance with the Integrated Pest Management Program. Approve Planning Commission Recommendation - Ordinance No. 940317-E
48. C14-94-0014 - ROBERT A. CORDES, 9000 Manchaca Road. From DR to NO. Planning Commission Recommendation: To grant NO, Neighborhood Office, zoning as requested, subject to compliance with an Integrated Pest Management Program. Approve Planning Commission Recommendation - Emergency Passage of Ordinance No. 940317-F

Item 47-48 approved on Councilmember Garcia's motion, Councilmember Shea's second, 5-0 vote, Mayor Pro Tem Nofziger out of the room.

49. C14-93-0090 - APPLE COMPUTER AUSTIN CAMPUS (Apple Computer Inc.), by Brown, Maroney & Oaks Hartline (Jerry Harris/Nancy Rivere), West Farmer Lane and Anderson Mill Road. Planning Commission Recommendation: To Approve the Planned Development Area Agreement (PDA) subject to the following conditions: (1) a five (5)-year annexation deferral from the effective date of the PDA agreement; (2) payment of 50% of the City's ad valorem taxes by December 1999 in lieu of actual tax payment; (3) that the proposed development comply with the Land Development Code regulations in effect as of July 12, 1993, for a period not to exceed ten (10)-years from the effective date of the PDA Agreement, with the exception of the following life-safety regulations: (A) Building Code, (B) Fire Code, (C) Plumbing Code, (D) Mechanical Code, and (E) Electrical Code; (4) Subject to the T.I.A. recommendations; (5) Compliance with the Integrated Pest Management Program; and (6) Consultation with the Environmental and Conservation Services Department (ECSD) to incorporate Green Builder Program elements.

Approve Ordinance No. 940317-G with agreement that Apple and ACI will give written notice to the City Council and City Manager of Austin, Texas at least ninety (90) days prior to making any assignment hereunder on Councilmember Shea's motion, Mayor Todd's second, vote 6-0.

50. C14-93-0144 - BROCK-SPAVINAW PARTNERSHIP (R. Merrill), by Strasburger & Price, Armbrust (Richard T. Suttle), 6100 E. Ben White Boulevard. From SF-2 & GR to LI. Planning Commission Recommendation: Approve LI-CO Limited Industrial, with a conditional overlay as recommended by the Traffic Impact Analysis (TIA) memorandum dated March 8, 1994. The conditional overlay limits square footage for the following development: 1) 3,000 square feet for retail (convenience), 20,000 square feet for retail (general), 700,000 square feet for offices (administrative, business, professional); 2) The applicant shall reserve 175 feet of right-of-way from the future centerline of Ben White Boulevard and/or as required by the Texas Department of Transportation; 3) The applicant shall post fiscal in the amount of \$8,800 for a pro-rata share of the cost of signal installation at the Montopolis/Oltorf intersection. The fiscal must be posted with the Planning Department fiscal officer prior to third reading of the zoning case; 4) Development of the tract should be limited to land uses and intensities which will not exceed or significantly vary from the proposed traffic conditions assumed in the Traffic Impact Analysis. Such assumptions include peak hour trip generation, traffic distribution, roadway conditions, and other traffic related characteristics; 5) Require the applicant to obtain written approval from the Texas Department of Transportation prior to third reading of the zoning case; 6) Compliance with an integrated pest management program.

Approve Planning Commission Recommendation - 1st Reading on Councilmember Garcia's motion, Councilmember Shea's second, vote 5-0, Mayor Pro Tem Nofziger out of the room.

EXECUTIVE SESSION

Council held executive session 3:45 to 4:17 P.M. for discussion on Item 52.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on the meeting agenda. Council would take any subsequent action in the open meeting as listed on the agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item listed on this agenda.

51. Discuss legal issues related to physician agreements at Brackenridge Hospital.
52. Seek advice of Counsel regarding contract audits performed by Corley & Co., Inc.
53. Discuss litigation status of City of Austin v. C.B.I. Walker, et al (Ullrich Water Treatment Plant); Cause No. 93-05611.

ADDENDUM

RESOLUTION

54. Approve criteria, decision matrix, and workplan for evaluating options for Brackenridge and the Community Healthcare System.

Councilmember Reynolds requested that under options: "merger" read "affiliation, association or shared responsibility".

Mayor Todd offered a friendly amendment that the items scheduled for April 6th and 7th be moved to May 18th and 19th. Councilmember Shea accepted the amendment.

Approved and added Grey Panthers, LULAC, Austin Metropolitan Ministries, Nurses Association and Church Women United on Councilmember Shea's motion, Councilmember Garcia's second, 6-0 vote.

ADJOURN at 5:02 p.m. on Councilmember Reynolds' motion, Councilmember Goodman's second, 4-0 vote, Mayor Todd and Councilmember Garcia out of the room.

APPROVED ON THIS THE 24th DAY OF March, 1994.

Approved on Councilmember Garcia's motion, Councilmember Shea's second, 4-0 vote, Councilmember Reynolds out of the room.